

MICHIGAN SUPREME COURT
State Court Administrative Office



***CONCURRENT JURISDICTION
PLANNING GUIDE***

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CONCURRENT JURISDICTION PLAN CONCURRENT JURISDICTION PLANNING

Introduction

The passage of 2002 PA 678 and issuance of Administrative Order 2003-1 authorizing the establishment of concurrent jurisdiction plans are the result of years of discussion and experimentation with trial court structure and organization in our state. The recommendations of the *Commission on Courts in the 21st Century* in 1990 marked the beginning of serious dialogue on the topic. The Committee's recommendations were put into action with the approval of five pilot projects in 1993. In the fall of 1994, the Michigan Supreme Court appointed the Michigan Justice Planning Committee and charged it with examining options for structuring and funding Michigan courts.¹ In the fall of 1995, the Supreme Court, in a report entitled "Justice in Michigan-A Program for Reforming the Judicial Branch of Government," outlined a plan for reform which included the implementation of demonstration projects to test court consolidation. Seven demonstration projects were eventually implemented. The experiences of demonstration projects suggested that allowing local "customizing" of court consolidation and coordination had merit. These concepts were further tested in the Next Generation Model Trial Courts Project, which encouraged local innovations in the delivery of justice.

The Michigan judiciary is by no means alone in its effort to improve service through greater coordination and consolidation. Proposition 220, passed by California voters in 1998, provided for voluntary unification of the superior and municipal courts of a county into one countywide superior court. In Arkansas, a 2000 constitutional amendment authorized the consolidation of general jurisdiction trial courts into a single set of circuit courts, followed by consolidation of all limited jurisdiction trial courts.

As a result of efforts in Michigan and other states there is a wealth of information about the topic of consolidation. The demonstration projects have served as laboratories to test the impact of court consolidation in a variety of settings in our own state. Evaluation of these projects has provided insight into the benefits and challenges of local trial court consolidation. The final evaluation report, prepared by the National Center for State Courts, found that the demonstration projects are generally making more efficient use of judicial and quasi-judicial resources, doing better in terms of meeting caseload management goals, and improving the coordination of administrative activities. The NCSC study also concluded that successful implementation was best achieved through the leadership of a strong chief judge, generally operating through consensus decision-making that involved key stakeholders.²

The following materials are provided as a reference for court leadership in developing a local concurrent jurisdiction plan. A good first step in plan development is to identify goals the courts hope to achieve in their effort. Section I lists suggested goals that courts may adopt. Section II describes critical success factors characteristic of successful consolidation efforts. Section III describes a variety of approaches that courts have taken to address various judicial resource, governance, and administrative issues.

¹"Charting the Course for Michigan Justice-A Report to the Michigan Supreme Court," May, 1995, Michigan Justice Planning Committee.

²David Steelman, *Michigan Trial Court Consolidation Demonstration Projects: 2001 Follow-Up Assessment Report*, (National Center for State Courts: Denver, CO).

I. CONCURRENT JURISDICTION GOALS

JUDICIAL RESOURCES

- Greater flexibility in assigning judges and quasi-judicial officers to cases
- Reduce redundant judicial activities
- Ability to consolidate related matters
- Ability to assign judicial resources based on need and workload
- More equitable distribution of workloads
- Improve flexibility in covering absences and disqualifications

GOVERNANCE AND DECISION MAKING

- Improve communication of goals and objectives within the court
- Improve communications with funding unit
- Ensure that decision making considers the needs of all court units
- Reduce competition between court units for resources
- Improve cooperation and teamwork

ADMINISTRATION AND FISCAL CONTROL

- Increase ability to assign support staff based on need
- Reduce duplication and redundancy of administrative activities
- Increase uniformity of budgeting and financial reporting
- Increase coordination and effectiveness of collections
- Maximize utilization of facilities and capital resources
- Improve utilization of courtrooms
- Standardization of rules, policies and procedures
- Increase opportunities for innovation and self-evaluation

INFORMATION SYSTEMS

- Improve integration of case management systems
- Improve public access to court information
- More timely reporting of required data

CASE MANAGEMENT

- Reduce delay and unnecessary appearances by litigants
- Avoid devaluation of case types
- Improve ADR
- Improve compliance with time standards

II. CRITICAL SUCCESS FACTORS FOR PROJECT IMPLEMENTATION

Leadership commitment – Effective leadership has been found to be one of the most important elements in achieving successful results in court consolidation projects. Visible leadership commitment to the project on the part of judges and court managers sets the tone for court staff and helps ensure support. Effective leadership involves both communicating a vision of where the courts are headed and involving both internal and external stakeholders in the process.

Team building – When courts contemplate consolidation of support services the initial reaction from staff can be negative. Employees have established “comfort zones” and loyalties to “their court”. Breaking down jurisdictional barriers also requires employees to set aside personal agendas and work collaboratively. Court staff plays a critical role in identifying the impact of change, providing recommendations for improvement, and communicating with the public. A participatory approach to decision making encourages such teamwork.

Communication – Communication can take on many forms, including periodic newsletters, emails, memos, meetings, and informal conversation. No single approach is preferred; rather the message should be communicated in ways that are appropriate to the size of the organization. There must be a dialogue, with an opportunity for staff to ask for clarification and provide input. Finally, court leadership should be clear and consistent in their exchanges with both staff and members of the court community.

Creating a culture for change – Courts are by nature conservative institutions that have rarely experienced radical change. The training and background of most support staff is limited to their assigned jurisdictional area, and many staff may be completely unfamiliar with other areas of court operations. This can create an environment in which creative thinking is not highly valued. Sharing information between groups, involving staff in a reexamination of business processes, and recognizing innovative ideas and approaches are ways to encourage staff to view change as an opportunity for continuous improvement.

Attention to human resource issues - Reporting relationships may be altered significantly as a result of organizational restructuring. Staff may be assigned to newly-defined functional areas. The consolidation of administrative functions often creates the need to add personnel with more specific skills in the areas of budget, human resources, and technology. This may require the reclassification, reassignment, and/or retraining of staff. As soon as possible these new relationships should be clarified for both staff and managers. In a union environment bargaining unit representatives should be involved early on in discussions that affect unit employees. The organization may experience some decrease in productivity as staff adjust to new responsibilities and learn new tasks. Addressing issues of training, employment status, salary parity, and job security early in the process will reduce potential disruption.

Community outreach - Input from the court user community is a critical element in the development of a concurrent jurisdiction plan. Consultation with local justice system partners helps the court anticipate the impact of changes on agencies and individuals who come into contact with the court, such as members of the bar, prosecutors, law enforcement officials, and service providers. Involving these important stakeholders will help in the early identification of potential problems and result in more “buy in” to the process.

Identification of transition costs – Advocates of court improvement point out that substantial savings can be realized through better coordination of court support functions and utilization of judicial resources. These savings often are not immediately realized. In fact, in many cases courts have experienced increases in certain operational costs during the transition period. These include facilities, technical improvements, and realignment of employee pay scales and benefits.

Governance - Developing a governance system that is appropriate to the new organizational structure is critical to successful implementation and sustainability. The activation of a judicial council as the primary governing body for consolidated court operations has been effectively implemented in various forms throughout Michigan and the United States. The structure should support decision-making that creates results that are consistent and in alignment with the needs of the court and its stakeholders.

A complete bibliography of materials on the subject of court consolidation and unification can be found at the National Center for State Courts web site:

http://www.ncsconline.org/WC/Publications/KIS_CtUnif_Bib_Pub.pdf

III. STRATEGIES FOR CONCURRENT JURISDICTION PLAN DEVELOPMENT & IMPLEMENTATION

Area	Issues	Strategy Options
Judicial Resources	Judicial Assignment	Assign cases by type (civil, criminal, etc.) Assign cases by master calendar Assign cases by case characteristic (differential case management) Assign cases by type of docket (trial, expedited, substance abuse, etc.) Establish divisions of judicial assignment Create committee(s) to regularly review case management and judicial assignment practices
	Judicial Availability	Expand use or authority of quasi-judicial officers (referees, magistrates) Develop plan for judicial availability Assign judge(s) to hear all cases at branch court location(s) Combine referee and magistrate job descriptions Assign referees to hear juvenile and domestic relations cases
	Caseload Distribution	Develop plan for monitoring caseloads and judicial activity Provide for regular adjustment of cases Provide back-up plan for jury trials, absences Establish regular rotation of judges between divisions or subject matter
	New Judicial Competencies	Specialty training utilizing MJI materials Judicial mentoring Develop internal resource library
	Judicial Support Activities	Centrally coordinate ADR services Standardize local rules of practice and procedure Coordinate scheduling and judicial calendars Combine related family matters involving children
Governance & Policy	Alignment of Decision Making Process with Judicial Resource Allocation	Establish a judicial council and define authority Designate single chief judge Include chief judges of all affected divisions in judicial council Include judges of all affected divisions in judicial council Create judicial teams by case type, location, etc. Consolidate administrative positions
	Administrative Consistency	Delegate primary responsibility for administrative management to court administrator Convene a staff management council to advise the judicial council on policy and procedural matters Develop comprehensive administrative policy

Area	Issues	Strategy Options
Governance & Policy (continued)	Internal Communication	Include key administrative or support staff in judicial council Include county clerk and/or external decision-makers (prosecutor, public defender, funding unit rep) as ex-officio members Establish written bylaws with clear lines of authority Establish a newsletter Schedule regular meetings with staff and other stakeholders for informational purposes Establish and utilize email notification system Increase opportunities for staff/judicial interaction
Human Resources	Change Management	Clarify management structure and reporting relationships Create new organizational chart(s) and distribute to staff Create work process improvement teams to develop best practices Enlist staff input in developing new operational policies and procedures Conduct management and staff retreats to address change issues
	Alignment of Human Resources with New Structure	Reorganize staff, offices, and procedures along functional lines Establish uniform procedures for employee evaluation, discipline, promotion, and retention Re-designate staff supervision Establish single human resources division for trial court Review existing job descriptions, collapse where appropriate Ensure work condition equity for staff (equipment, furniture, supplies, office space) Implement pay equity
	Collective Bargaining	Collapse bargaining units Organize units in line with related functional employee categories The chief judge and/or their designee represent the court in collective bargaining
	New Staff Competencies	Conduct cross training Establish “buddy” system for personnel to visit other court locations/divisions Assign new staff to work with more experienced staff Create employee task forces to address key organizational issues Provide specialized training for staff Require that training include court-wide perspective for staff Provide training materials

Area	Issues	Strategy Options
Human Resources	Employee Morale	Create work environment teams to improve team building Provide formal and informal opportunities for employee feedback and suggestions (internal surveys, staff meetings, etc.)
Budget & Fiscal Management	Streamline Management	Prepare, submit, and administer a single or consolidated budget Centralize purchasing and expenditure approval processes Coordinate service contracts Coordinate or centralize grant applications and management Develop single system for appointed counsel selection and payment Re-allocate appropriated funds between units Budget presentation by chief judge or his/her designee
Records Management	Alignment of Records System with Divisions	Align filing and numbering systems to correspond to case assignment system Establish standard formats for case files, registers, filing systems Standardize case management system codes and procedures
	Responsibility for Records Management	Designate a single office or individual as keeper of records Establish consistent policies for access to court records and data Provide ability to pay court obligations at a single location or through the web Establish uniform procedures for collection of outstanding obligations, including waiver and suspension
Information Systems	Information Integration	Purchase or develop integrated case management system Integrate existing case management systems with middleware Expand court personnel access to case management systems Integrate email, local, and wide-area networks Single hardware platform and operating system Develop standards for office automation applications and equipment Automate statistical reporting systems Centralize calendar system

Area	Issues	Strategy Options
Facilities	Improve Utilization	Provide central information center(s) Standardize hours of operation across facilities Provide one stop location(s) for filings, payments, etc. Coordinate courtroom scheduling for maximum utilization Coordinate or merge security functions
Jury Management	Streamline Jury Management	Maintain a single system for jury administration, including notification, attendance, and payment Draw from single juror pool
External Relations	Participation in Planning Process	Create a justice system advisory committee Involve system stakeholders in court work groups Chief and presiding judges meet regularly with local bar association
	Communication	Create website and on-line access to information, forms, staff contacts, etc. Develop user surveys and convene stakeholder focus groups Create new publications and brochures Invite funding unit representatives to participate Highlight court efforts in annual report
Access to Justice	Coordinated Access Activities	Combine informational services Develop materials for pro-se litigants Coordinate interpreting services